

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2005**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing Regarding Vacating 0.107 Acre of Public Right of Way Located Off Old Graves Mill Road and Authorizing the Execution of a Deed to Convey the City's Interest in said Vacated Right of way to James A. Scott & Son, Inc.

RECOMMENDATION:

Adopt an ordinance vacating 0.107 acre of public right of way located off Old Graves Mill Road, and adopt a Resolution authorizing the execution of a deed to convey the City's interest in said vacated right of way to James A. Scott & Son, Inc., in exchange of right of way acquisition for the Old Graves Mill Road Realignment and Extension.

SUMMARY:

The proposed realignment and extension of Old Graves Mill Road requires a small parcel of adjoining property while a section of the existing right of way is no longer needed. Negotiations with the property owner, James A. Scott & Son, Inc., has produced an agreement for exchange of these properties; and in order to finalize this agreement, it is necessary to vacate the portion of existing right of way and to deed the City's interest in the vacated right of way to the adjacent property owner.

PRIOR ACTION(S):

None

BUDGET IMPACT:

None

CONTACT(S):

Steve Lawson 455-3945

ATTACHMENT(S):

- Ordinance
- Resolution
- Map

REVIEWED BY: lkp

AN ORDINANCE VACATING 0.107 ACRE OF PUBLIC RIGHT OF WAY LOCATED OFF OF OLD GRAVES MILL ROAD

WHEREAS, the City of Lynchburg is realigning and extending Old Graves Mill Road; and

WHEREAS, a section of existing right of way will no longer be needed for the Old Graves Mill Road Realignment and Extension; and

WHEREAS, a parcel of the adjoining property is required for completion of this project; and

WHEREAS, negotiations with the property owner has resulted in an agreement to exchange property; and

WHEREAS, in order to finalize the exchange of real property, it is necessary for the City to vacate 0.107 acre of existing right of way and to convey the City's interest in said vacated property to the property owner, James A. Scott & Son, Inc.; and

WHEREAS, City Council finds that no public inconvenience will result from vacating and discontinuing this portion of public right-of-way; and

WHEREAS, City Council determines that the City has no need for the 0.107 acre of public right of way located off Old Graves Mill Road and that the City's continued ownership of the property is not necessary or required to serve the best interests of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

0.107 acre of public right of way located off Old Graves Mill Road and shown as Parcel A on a plat entitled "Plat Showing Parcel A to be conveyed to James A. Scott & Son, Inc., by the City of Lynchburg, for Old Graves Mill Road and Old Graves Mill Road Extension, Lynchburg, Virginia," dated July 22, 2005, which plat was made by Hayes Seay Mattern & Mattern, Inc., Architects, Engineers, Planners.

Said vacation is contingent upon the following conditions: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division, and (2) that the City retains unto itself a permanent drainage easement as shown on a plat entitled "Plat Showing Parcel A to be conveyed to James A. Scott & Son, Inc., by the City of Lynchburg, for Old Graves Mill Road and Old Graves Mill Road Extension, Lynchburg, Virginia," dated July 22, 2005.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

A RESOLUTION AUTHORIZING A DEED BE EXECUTED TO CONVEY THE CITY'S INTEREST IN THE
VACATED 0.107 ACRE OF PUBLIC RIGHT OF WAY LOCATED OFF OLD GRAVES MILL ROAD

BE IT RESOLVED That the Lynchburg City Council hereby determines that the City has no need for the 0.107 acre of public right of way located off Old Graves Mill Road and in consideration of the conveyance to the City by James A. Scott & Son, Inc., of land needed to realign and construct the Old Graves Mill Road Extension, the City Manager is hereby authorized to execute a deed to convey to James A. Scott & Son, Inc., all the City's interest that accrues to the City as a result of the vacation of 0.107 acre of public right of way being vacated by City Council on September 13, 2005.

Adopted:

Certified:

Clerk of Council

114P

ROUTE
R/W

JAMES A. SCOTT & SON, INCORPORATED
D.B. 785 PG. 502
TAX #23903003

FRAMATOME-ANP INC.
D.B. 827 PG. 483
P.C. 4 SLIDE 4
TAX #23903004

PARCEL "A"

0.107 ACRES

ROAD
R/W

OLD
GRAVES
MILL
ROAD

JOSEPH T. & LILLIAN R. TUCKER
D.B. 573 PG. 237
TAX #24305001

JAMES E. & BETTY A.
D.B. 786 PG. 13
TAX #24305002

CITY OF LYNCHBURG
INSTR. #050006907
P.C. 8 SLIDE 166

CITY OF LYNCHBURG
INSTR. #050006907
P.C. 8 SLIDE 166

ESTATE OF
LILLIAN L. SCHENKEL
INSTR. #WFO20000298
C.C. D.B. 353 PG. 528
C.C. P.B. 8 SLIDE 150
TAX #24306001

KM, LLC
P.C. 335
14003

LEGEND

- = IRON PIN FOUND
- = IRON PIN SET

PLAT SHOW
PARCEL "A" TO B

